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EXAMINER
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HADIZONOOZ, BANAFSHEH

ART UNIT	PAPER NUMBER
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3714

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/750,982	<b>Applicant(s)</b> MUSOLF ET AL.	
	<b>Examiner</b> Banafsheh Hadizonooz	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-70 is/are rejected.
- 7) ☒ Claim(s) 67-70 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/12/2004, 04/12/2004</u> .                                  | 6) <input type="checkbox"/> Other: _____                          |

***Detailed Action***

In response to the correspondence filed on 01/02/2004 claims 1- 70 are pending. This office action is made **Non-Final**.

***Claim Objections***

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Claims 67, 69, and 68 are objected to because of the following informalities: two consecutive claims have been numbered 67. Claim 68 and 69 are in reversed order. Appropriate correction is required. For the purpose of examining the application, the examiner has renumbered claims 67, 69 and 68 consequently to 68, 69 and 70.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-3, 6, 7 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Padgett (US 6421524).**

**[Claim 1]:** Regarding claim 1, Padgett discloses a data cartridge( e.g. audio recording/playback apparatus) comprising:

a body, a memory device in the body (e.g. Information Storage Devices) (See Col.5, 46-61), a connector (e.g. interface connector) (See Fig.6, element 630) extending from the body and coupled to the memory device, and a microphone attached to or incorporated within the body (See Fig.1, element 140).

**[Claims 2, 3]:** regarding claim 2, Padgett further discloses a microphone that is in the body (See Fig. 7).

Regarding claims 3, Padgett further discloses wherein the data cartridge further comprises a microphone structure including a neck and a head portion, wherein the neck couples the head portion to the body (See Fig.1 element 140).

**[Claim 5]:** Regarding claim 5, Padgett further discloses a microprocessor (e.g. microcontroller) that is electrically coupled to the connector and the microphone (See Fig.7, Elements 740, 725).

**[Claim 7]:** Padgett discloses that the data cartridge further comprises a battery (See Fig.7, element 735) and an SRAM chip (e.g. single chip voice recording device) inside of the body (See Col.5, 54-59).

**[Claim 9]:** The data cartridge of claim 1 wherein the memory device comprises code for audio outputs for print elements in a book (See Col.6, 19-31).

**Claims 30, 39, 40 are rejected under 35 U.S.C 102(e) in view of Lynch et al (USA 6668156).**

**[Claim 30]:** Regarding claim 30 Lynch discloses platform comprising a surface; a print medium suitable for placement on the surface (See Fig.11), wherein the print medium comprises a record print element and a playback print element, wherein the playback print element is present along with other print elements that together are used to form a unique passage, wherein the unique passage is used in a story or a game; a plurality of electrical elements in the platform and under the surface; a microprocessor coupled to the plurality of electrical elements; a memory device coupled to the microprocessor, wherein the memory device comprises code for recording a user's voice, code for storing the user's recorded voice, code for playing back the user's voice, and code for providing sounds associated with the other print elements; and an audio output device coupled to the microprocessor (See Col.6, 9-15).

**[Claims 39, 40]:** Lynch further discloses wherein the platform is foldable and the print medium is a book (See Fig.11).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 4 and 10 are rejected under 35 U.S.C 103(a) as being unpatentable over Padgett (US 6421524) in view of Smith III (US 5, 466,158).**

**[Claim 4]:** regarding claim 4, Padgett does not disclose an illumination source in the head and neck portion of the microphone. However, Smith discloses a number of LEDs in the base unit for visual communication with the reader. Therefore, it would have been obvious to incorporate the visual communication feature of the Smith invention into the system and method of Padgett in order to design a system that is more interactive.

**[Claim 8, 27]:** Smith further discloses a system wherein the memory device is a ROM (See Col.1, 29-46).

**[Claim 10]:** Regarding claim 1, Padgett discloses a data cartridge( e.g. audio recording/playback apparatus) comprising:

a body, a memory device in the body (e.g. Information Storage Devices) (See Col.5, 46-61), a connector (e.g. interface connector) extending from the body (See Fig.6, element 630) extending from the body, and a microphone attached to or incorporated within the body (See Fig.7), a second memory device coupled to the microprocessor (e.g. RAM and ROM in the Micro-Controller) wherein the second memory device is adapted to store code for the user's voice. Padgett does not an illumination source in the head portion of the dummy microphone, and a memory device in the body storing code for audio outputs. However, Smith discloses a number of LEDs in the base unit for visual communication with the reader. Therefore, it would have been obvious to incorporate the visual communication feature of the Smith invention into the system and method of Padgett in order to design a system that is more interactive.

Smith also discloses a memory device in the body storing code for audio outputs (See Col.8, 46-58). Therefore it would have been obvious to incorporate the features of Smith invention into the system and method of Padgett in order to design a system that is capable of communicating with the user.

**[Claim 11]:** Regarding claim 11, Padgett further discloses a battery electrically coupled to the second memory device (See Fig.7, elements 735 and 740 are connected).

**[Claim 12]:** Regarding claim 12, the neck comprises a thick conductor that retains a shape after being manipulated by a user (See Fig.1)

**[Claims 13, 17]:** Regarding claims 13 and 17, Smith discloses a system wherein the first memory device is a ROM chip and the second memory device is a RAM chip (See Col.1, 29-46).

**[Claim 14]:** Padgett discloses a system wherein audio outputs and the user's recorded voice form a unique story (e.g. the audio related to a particular image is recorded) (See Col.7, 22-33).

**[Claim 15]:** Regarding claim 15, Padgett discloses that the print medium is a children's book (See Fig.3B).

**[Claim 16]:** regarding claim 16, Padgett discloses wherein the print medium is a sheet (See Col.2, 42-45).

**[Claim 20]:** regarding claim 20, Padgett discloses a system including data cartridge comprising (i) a body, (ii) a memory device in the body (See Col.5, 55-59), (iii) a second connector extending from the body and coupled to the memory device (See Fig. 6,

element 630), and (iv) a microphone attached to or incorporated within the body, wherein the first and second connectors are connectable to each other (See Fig.7, element 725). Padgett does not disclose an electrographic position location apparatus comprising a platform including a first connector and a surface, a surface capable of receiving a print medium. However, Smith discloses such in his invention (See Abstract). Therefore, it would have been obvious to incorporate the features of Smith invention into the system and method of Padgett in order to design an interactive learning device that is compatible with all the reader's print media choice.

**[Claim 29]:** Regarding claim 29, Padgett discloses that the data cartridge further comprises a battery (See Fig.7, element 735) and an SRAM chip (e.g. single chip voice recording device) inside of the body (See Col.5, 54-59).

**[Claim 55]:** Padgett discloses (i) a body, (ii) a memory device in the body (See Col.5, 55-59), (iii) a second connector extending from the body and coupled to the memory device (See Fig. 6, element 630), and (iv) a microphone attached to or incorporated within the body, wherein the first and second connectors are connectable to each other (See Fig.7, element 725). Padgett does not disclose an electrographic position location apparatus comprising a platform including a first connector and a surface, a surface capable of receiving a print medium. However, Smith discloses such in his invention (See Abstract). Therefore, it would have been obvious to incorporate the features of Smith invention into the system and method of Padgett in order to design an interactive learning device that is compatible with all the reader's print media choice.

**[Claim 56]:** Smith further discloses a data cartridge that does not include an audio or visual output device.

**[Claim 57]:** Regarding claim 57, Smith further discloses wherein the memory device and the body are separable.

**[Claim 58]:** Smith further discloses a system wherein the memory device is a ROM (See Col.1, 29-46).

**Claim 6 is rejected under 35 U.S.C 103(a) as being unpatentable over Padgett (US 6421524) in view of Official Notice.**

**[Claim 6]:** Padgett discloses all the features of claim 1 as disclosed above. However, Padgett fails to specifically disclose that the cartridge comprises a release member and a clamp member. Nevertheless, the examiner takes official notice that it would have been obvious to include a clamp and release member. Including this feature makes the insertion and release of the cartridge easier for the user. Therefore, it would have been obvious to one of ordinary skill in the art to one of ordinary skill in the art at the time of invention to modify Padgett's system and include the Clamp and release member in order to make it easier for the user to insert the data cartridge.

**Claims 18, 19 and 28 are rejected under 35 U.S.C 103(a) as being unpatentable over Padgett (US 6421524) in view of Smith III (US 5, 466,158) as applied to claims 10 and 20 and further in view of Official Notice.**

**[Claims 18, 19, 28]:** Padgett discloses all the features of claims 10 and 20 as disclosed. However, Padgett fails to specifically disclose that the cartridge comprises a release member and a clamp member. Nevertheless, the examiner takes official notice that it

would have been obvious to include a clamp and release member. Including this feature makes the insertion and release of the cartridge easier for the user. Therefore, it would have been obvious to one of ordinary skill in the art to one of ordinary skill in the art at the time of invention to modify Padgett's system and include the Clamp and release member in order to make it easier for the user to insert the data cartridge.

**Claim 21 and 23 are rejected under 35 U.S.C 103(a) as being unpatentable over Padgett (US 6421524) in view of Smith III (US 5, 466,158) and further in view of Lynch et al. (US 6668156).**

**[Claim 21]:** With respect to claim 21, Padgett/Smith fail to disclose a stylus coupled to the platform of the electrographic position apparatus. However, Lynch discloses such in his invention (See Fig.1). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the features of Lynch invention into the system of Padgett/Smith in order to facilitate a pointing tool to the user for easier interaction with the system.

**[Claim 23]:** Regarding claim 23, Lynch further discloses a platform that is foldable.

**[Claim 66]:** regarding claim 66, Lynch/Padgett discloses all the features disclosed in claim 60. However, Lynch/Padgett fails to expressly disclose LEDs in the microphone structure. Smith discloses LEDs on the base unit for visual communication with the user (See Col.3, 21-34). Therefore it would have been obvious to one of ordinary skill in the art to incorporate the features of Smith invention into the system of Lynch/Padgett in order to design a system that is more appealing to the user.

**Claims 22, 24 are rejected under 35 U.S.C 103(a) as being unpatentable over Padgett (US 6421524) in view of Smith III (US 5, 466,158) and further in view of Flowers (US 6661405).**

**[Claims 22]:** Regarding claim 22, Padgett/Smith fail to disclose a platform that comprises an antenna (e.g. conductive fingers). However, Flowers discloses a platform comprising a series of conductive lines (See Fig.6A). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the features of Flowers into the system of Padgett/Smith in order to design a system that facilitates user's interaction with the device.

**[Claim 24]:** Regarding claims 24, Flowers discloses a system wherein the stylus includes a receiving antenna (See Col.2, 38-41) and wherein the platform includes a transmitting antenna (See Col.4, 51-65).

**Claims 25, 26 and 59 are rejected under 35 U.S.C 103(a) as being unpatentable over Padgett (US 6421524) in view of Smith III (US 5, 466,158) further in view of Kirwan (US 6516181).**

**[Claim 25, 26]:** Regarding claims 25 and 26, Padgett/Smith discloses all the features disclosed in claim 20 above. Padgett/Smith fail to disclose wherein the microphone is present in the body and wherein the data cartridge further comprises a dummy microphone structure including a neck and a head portion, wherein the neck couples the head portion to the body. However, Kirwan discloses an interactive picture book

wherein the electrical circuit includes a microphone as an input mean. However, the audio information received from the microphone is stored in the body (e.g. information storing mean 75) (See Col.4, 8-16 and Fig1). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the features of Kirwan's invention into the system and method of Padgett/Smith in order to facilitate the users with communication means with the device.

[Claim 59]: Regarding claim 59, Padgett Smith discloses all the fetures disclosed in claim 55. Padget/Smith fail to disclose wherein the microphone is inside the body and that the data cartridge comprises a dummy microphone. However, Kirwan discloses an interactive picture book wherein the electrical circuit includes a microphone as an input mean. However, the audio information received from the microphone is stored in the body (e.g. information storing mean 75) (See Col.4, 8-16 and Fig1). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the features of Kirwan's invention into the system and method of Padgett/Smith in order to facilitate the users with communication means with the device.

**Claims 31 and 32 are rejected under 35 U.S.C 103(a) as being unpatentable over Lynch (US 6668156) as applied to claim 30 above in view of Flowers ( US 6661405).**

**[Claim 31, 32]:** Flowers discloses a system wherein the stylus includes a receiving antenna (See Col.2, 38-41) and wherein the platform includes a transmitting antenna (See Col.4, 51-65).

**Claims 33 and 34 are rejected under 35 U.S.C 103 (a) as being unpatentable over Lynch (US 6668156) as applied to claim 30 above in view of Smith III (US 5466158).**

**[Claim 33]:** Regarding claim 33, Lynch discloses all the features of the claim 30 above but fails to expressly disclose electrical elements with record and play elements. Smith discloses a plurality of electrical elements comprise a first electrical element and a second electrical element, and wherein the record print element is over the first electrical element (e.g. the cartridge) (See Col.3, 21-34), and the playback print element is disposed over the second electrical (e.g. the base unit)(See Col.5, 4-8) element when the print medium is on the surface. Therefore it would have been obvious to one of ordinary skill in the art to incorporate the features of Smith's invention into the system of Lynch's invention in order to design a system that is interactive to the user through its record and playback means.

**[Claims 34]:** Smith further discloses wherein the electrical elements comprise pressure switches (See Fig.8, element 196).

**Claim 35, 41-45 are rejected under 35 U.S.C 103 (a) as being unpatentable over Lynch (US 6668156) as applied to claim 30 above in view of Padgett (US 6421524).**

**[Claim 35]:** Lynch teaches all the features discussed in claim 30 but fails to disclose a microphone. Padgett discloses a microphone wherein the microphone is coupled to the microprocessor (See Fig.7). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the features of Padgett's invention into the system of Lynch in order to design a system with recording means.

**[Claims 41-45]:** Lynch discloses a print medium (e.g. a book which also contains of sheets). Lynch does not disclose a data cartridge including a memory. Padgett discloses a data cartridge including (i) a body, (ii) a memory device in the body (See Col.5, 55-59), (iii) a second connector extending from the body and coupled to the memory device (See Fig. 6, element 630), and (iv) a microphone attached to or incorporated within the body, wherein the first and second connectors are connectable to each other (See Fig.7, element 725). Therefore it would have been obvious to one of ordinary skill in the art to incorporate the features of the Padgett's invention into the system of Lynch's invention to design a system that is compatible with any print medium.

**[Claim 46]:** Padgett further discloses a microprocessor that is electrically coupled to the microphone and the connector (See Fig.7).

**[Claim 47]:** Padgett discloses that the data cartridge further comprises a battery (See Fig.7, element 735) and an SRAM chip (e.g. single chip voice recording device) inside of the body (See Col.5, 54-59).

**[Claim 49, 69]:** Lynch further discloses a memory device in the body storing code for audio outputs (See Col.6, 8-15).

**[Claim 51]:** Regarding claim 51, Lynch discloses a print medium plat form (e.g. base unit) including a surface, a plurality of electrical elements under the surface, a speaker and record and playback print elements (See Figs 7 and 10). Lynch does not disclose a microphone to record a voice. However Padgett discloses a microphone to record a voice with record and playback elements (See Fig.7). Therefore, it would have been

obvious to one of ordinary skill in the art to incorporate the features of Padgett's invention into the system and method of Lynch in order to design a system that enables the users to record their own voice in the system.

**[Claim 52]:** Lynch further discloses a stylus coupled to the platform (See Fig.1).

**[Claim 53]:** Lynch further discloses the playback print element is a narrative print element (e.g. a book) (See Fig.11).

**[Claim 54]:** Lynch further discloses wherein the playback print element represents user's name, favorite food or favorite animal (See Col.2, 12-15).

**[Claims 60, 67]:** Regarding claims 60 and 67 Lynch discloses platform comprising a surface;

a print medium suitable for placement on the surface (See Fig.11), a plurality of electrical elements in the platform and under the surface;

a microprocessor coupled to the plurality of electrical elements;

a memory device coupled to the microprocessor, wherein the memory device comprises code for recording a user's voice, code for storing the user's recorded

voice, code for playing back the user's voice, and code for providing sounds associated with the other print elements; and an audio output device coupled to the microprocessor (See Col. 6, 8-15). Lynch does not disclose a microphone coupled to the platform,

comprising a head and neck portion. Lynch also does not expressly disclose that the print medium comprises a record print element and a playback print element, wherein the playback print element is present along with other print elements that together are used to form a unique passage, wherein the unique passage is used in a story or a

game; However, Padgett discloses such in his invention (See abstract). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the features of Padgett's invention into the system of Lynch's invention in order to design a system with recording means.

**[Claim 62]:** Padgett further discloses a recess (e.g. microphone connector) for receiving the microphone structure (See Fig.8, element 810).

**[Claim 63]:** regarding claim 63 Padgett further discloses record and playback print elements (See Abstract).

**[Claim 64]:** Lynch discloses a system wherein the platform is foldable (See Fig.9).

**[Claim 65]:** With respect to claim 65, Lynch further discloses that the print medium comprises print elements for a game or for a story (e.g. book) (See Col. 5, 16-29, Fig. 10).

**Claim 48 is rejected under 35 U.S.C 103(a) as being unpatentable over Lynch (US 6668156) in view of Padgett (US 6421524) and further in view of Official Notice.**

Padgett discloses all the features of claim 41 as disclosed above. However, Padgett fails to specifically disclose that the cartridge comprises a release member and a clamp member. Nevertheless, the examiner takes official notice that it would have been obvious to include a clamp and release member. Including this feature makes the insertion and release of the cartridge easier for the user. Therefore, it would have been obvious to one of ordinary skill in the art to one of ordinary skill in the art at the time of invention to modify Padgett's system and include the Clamp and release member in order to make it easier for the user to insert the data cartridge.

**Claims 36-39 and 70 are rejected under 35 U.S.C 103(a) as being unpatentable over Lynch (US 6668156) as applied to claim 30 above, in view of Padgett (US 6421524) further in view of Smith III (US 5466158).**

**[Claims 36-39]:** Regarding claims 36, 37, 38 and 39, Lynch discloses all the features disclosed in claim 30 above. Lynch also discloses a memory device in the body storing code for audio outputs (See Col.6, 8-15). However Lynch does not disclose a microphone attached to the body.. Padgett discloses a body, a memory device in the body (e.g. Information Storage Devices) (See Col.5, 46-61), a connector (e.g. interface connector) extending from the body (See Fig.6, element 630) extending from the body, and a microphone attached to or incorporated within the body (See Fig.7), a second memory device coupled to the microprocessor (e.g. RAM and ROM in the Micro-Controller) wherein the second memory device is adapted to store code for the user's voice. Therefore it would have been obvious to one of ordinary skill in the art to incorporate the features of Padgett's invention into the system of Lynch in order to design a system that facilitates the user with the recording means. Padgett does not disclose an illumination source in the head portion of the dummy microphone. However, Smith discloses a number of LEDs in the base unit for visual communication with the reader. Therefore, it would have been obvious to incorporate the visual communication feature of the Smith invention into the system and method of Lynch/Padgett in order to design a system that is more interactive and amusing.

**[Claim 70]:** regarding claim 70, Padgett/Lynch discloses all the features disclosed in

claim 67. However, Padgett/Lynch does not expressly disclose the microphone structure comprises an LED. However, Smith discloses a number of LEDs in the base unit for visual communication with the reader. Therefore, it would have been obvious to incorporate the visual communication feature of the Smith invention into the system and method of Padgett in order to design a system that is more interactive.

**Claim 50 is rejected under 35 U.S.C 103 (a) as being unpatentable over Lynch (US 6668156) as applied to claim 30 above in view of Padgett (US 6421524) further in view of Kirwan (US 6516181).**

**[Claim 50]:** Regarding claim 50, Lynch/Padgett discloses all the features disclosed in claim 41 above. Lynch/Padgett fails to disclose wherein the microphone is inside the body. However, Kirwan discloses an interactive picture book wherein the electrical circuit includes a microphone as an input mean. However, the audio information received from the microphone is stored in the body (e.g. information storing mean 75) (See Col.4, 8-16 and Fig1). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the features of Kirwan's invention into the system and method of Padgett/Smith in order to facilitate the users with communication means with the device.

**[Claim 61]:** Regarding claim 61, Lynch/Padgett discloses all the features disclosed in claim 60 above. Lynch/Padgett fails to disclose wherein the microphone is inside the body. However, Kirwan discloses an interactive picture book wherein the electrical circuit includes a microphone as an input mean. However, the audio information

received from the microphone is stored in the body (e.g. information storing mean 75) (See Col.4, 8-16 and Fig1). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the features of Kirwan's invention into the system and method of Padgett/Smith in order to facilitate the users with communication means with the device.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Banafsheh Hadizonooz whose telephone number is 571-272-1242. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272- 6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BH

  
ROBERT E. PEZZUTO  
SUPERVISORY PRIMARY EXAMINER